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*Proposed Counsel for the Official Committee  
of Unsecured Creditors*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:**

Case No. 19-30088 (DM)

**PG&E CORPORATION**

Chapter 11

**-and-**

(Lead Case)

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

(Jointly Administered)

**Debtors.**

- ☐ Affects PG&E Corporation
- ☐ Affects Pacific Gas and Electric Company
- ☒ Affects both Debtors

*\* All papers shall be filed in the Lead Case,  
No. 19-30088 (DM)*

**DECLARATION OF THOMAS R.  
KRELLER IN SUPPORT OF OBJECTION  
OF THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS TO MOTIONS  
OF (I) AD HOC GROUP OF  
SUBROGATION CLAIM HOLDERS AND  
(II) OFFICIAL COMMITTEE OF TORT  
CLAIMANTS FOR RELIEF FROM  
AUTOMATIC STAY**

Date: July 24, 2019  
Time: 9:30 a.m.  
Place: United States Bankruptcy Court  
Courtroom 17, 16th Floor  
San Francisco, CA 94102

1 I, **THOMAS R. KRELLER**, being duly sworn, state the following under the penalty of  
2 perjury:

3 1. I am an attorney admitted to practice in the State of California and I am a partner  
4 in the Financial Restructuring Group of the firm Milbank LLP ("Milbank"), counsel to the  
5 Official Committee of Unsecured Creditors of the above-captioned debtors and debtors in  
6 possession. Milbank maintains an office at, among other places, 2029 Century Park East, 33<sup>rd</sup>  
7 Floor, Los Angeles, California, 90067-3019. There are no disciplinary proceedings pending  
8 against me.

9 2. I am duly authorized to make this declaration on behalf of Milbank in support of  
10 the *Objection of the Official Committee of Unsecured Creditors to Motions of (I) Ad Hoc Group*  
11 *of Subrogation Claim Holders and (II) Official Committee of Tort Claimants for Relief from*  
12 *Automatic Stay*, dated July 19, 2019 (the "Objection").

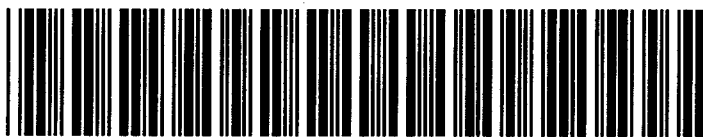
13 3. For the Court's reference in its consideration of the Objection, attached hereto as  
14 Exhibit A is a true and correct copy of *Case Management Order 6 re: Preference Case Protocol,*  
15 *California North Bay Fire Cases*, JCCP No. 4955, Case No. CJC-17-004955 (Cal. Super. Ct.  
16 Dec. 31, 2018).

17 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
18 knowledge and belief.

19  
20 Executed on July 19, 2019, Los Angeles, CA

21 /s/ Thomas R. Kreller  
22 Thomas R. Kreller  
23  
24  
25  
26  
27  
28

# Exhibit A



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

**Document Scanning Lead Sheet**

Jan-02-2019 3:25 pm

Case Number: CJC-17-004955

Filing Date: Dec-31-2018 3:24

Filed by: ERICKA LARNAUTI

Image: 06629728

ORDER

CALIFORNIA NORTH BAY FIRE CASES

001C06629728

**Instructions:**

Please place this sheet on top of the document to be scanned.

1 Michael A. Kelly (SB 71460)  
2 Walkup Melodia Kelly & Schoenberger  
3 650 California St., 26<sup>th</sup> Floor  
4 San Francisco, CA. 94108  
5 Tel: 415-981-7210  
6 Attorney for Direct Plaintiffs

**FILED**  
San Francisco County Superior Court

DEC 31 2018

CLERK OF THE COURT  
BY:  Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN FRANCISCO

11 Coordination Proceeding  
12 Special Title (Rule 3.550)

JCCP No. 4955

13 CALIFORNIA NORTH BAY FIRE CASES

~~STIPULATION AND PROPOSED~~ CASE  
MANAGEMENT ORDER 6 RE:  
PREFERENCE CASE PROTOCOL

Assigned for All Purposes to:  
Hon. Curtis E.A. Karnow, Dept. 304

16 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

17 This Case Management Order shall govern all cases filed in or transferred to California  
18 North Bay Fire Cases, JCCP 4955, including all cases currently in this proceeding and any cases  
19 subsequently added to this proceeding. The Court anticipates, given the large number of filings in  
20 this JCCP and the factual nature and complexity of the claims at issue, that multiple plaintiffs may  
21 be interested in pursuing a preferential trial setting. The purpose of this Case Management Order is  
22 to establish a preference case protocol to facilitate the exchange of information related to cases  
23 potentially eligible for preferential trial setting.

24 The Court hereby Orders as follows:

25 1. A Preference Committee for Individual Plaintiffs is hereby established to review  
26 potential preference cases and advise the submitting Plaintiff's counsel as to the viability and  
27 sequence of any potential filings. The Preference Committee shall consist of the following  
28 members of the Individual Plaintiffs' Executive Committee and shall report to (Co-Lead and Co-

1 Liaison Counsel): Thomas Brandi, Amy Eskin, Max Schuver, Mary Alexander, Allison Cordova,  
2 Angela Ja Chun, Matt Skikos, Joanna Fox, Steven Berki, and Ahmed Diab.

3         2.       The Preference Committee shall meet regularly and report to Co-Lead and Co-  
4 Liaison counsel for Individual Plaintiffs and shall be available for consultation as a group with any  
5 individual plaintiff's counsel. For this purposes of compliance with this Order, the Preference  
6 Committee obligations are to all plaintiffs in the litigation and the litigation as a whole.

7         3.       The Preference Committee shall be responsible for meeting and conferring with the  
8 defendants regarding potential preference cases including briefing scheduling, setting of hearings,  
9 and coordination of discovery. These meet and confer efforts with Defendants will also include  
10 the Attorney for the Plaintiff moving for Preference.

11        4.       The Preference Committee shall submit to all counsel a preference questionnaire  
12 which shall be completed by the submitting Plaintiff's counsel who seeks to present a case to this  
13 Court for preferential trial setting. Given the large number of cases potentially eligible for  
14 preferential setting, counsel for any individual plaintiff seeking preference shall complete the  
15 preference questionnaire and provide it to the Preference Committee.

16        5.       Any plaintiff's counsel who, at any time, represents a Plaintiff that has a good faith  
17 basis for asserting entitlement to a preferential trial setting under Code of Civil Procedure § 36  
18 must provide written Notice to the Preference Committee of their potential claim of preferential  
19 trial setting eligibility at least 21 days before a motion for preference can be filed. At the time this  
20 Notice is served, the submitting Plaintiff's counsel shall also produce to the Preference Committee  
21 the following: (a) Grounds for Preference – A written statement setting forth in detail the grounds  
22 for preferential trial setting and the facts supporting preference including the name of the plaintiff;  
23 (b) Records – Any medical and/or other records which the Plaintiff moving for Preference  
24 intends to submit to the Court to support the request for preferential trial setting, which will be  
25 uploaded on a secure document portal managed by Brown Greer to maintain security; (c)  
26 Declarations – Any and all declarations in support of the request for preferential trial setting (d) a  
27 completed CMO Compliance statement as required by CMO 5 uploaded to the BrownGreer portal  
28 and (e) a completed preference questionnaire as set forth in paragraph 4 above. If the Plaintiff

1 moving for Preference has exigent circumstances that warrant an expedited process, these  
2 circumstances are to be presented to the Preference Committee at the earliest opportunity. If good  
3 cause exists, the attorney for the Plaintiff moving for Preference, Lead Plaintiffs' Counsel, and  
4 Defendants' Counsel will meet and confer as soon as practical.

5 6. To the extent that a proposed plaintiff preference request has a corresponding  
6 Subrogation claim, Subrogation Leadership will be included and consulted as well.

7 7. Upon receipt of Notice(s) of potential claim(s) for preferential trial setting, the  
8 Preference Committee shall review and confirm that each request is complete and compliant with  
9 the preference protocol pursuant to C.C.P. § 36 and ready for meet and confer with Defendants.  
10 The Preference Committee shall communicate the findings of their review to the submitting  
11 Plaintiff's Counsel within 7 days of receipt of Notice.

12 8. Once a review of a request for preferential trial setting is deemed complete,  
13 pursuant to paragraph III above, the Preference Committee, or the submitting Plaintiff's Counsel if  
14 s/he disagrees with the Preference Committee's findings, shall provide Defendants with Notice  
15 regarding the preferential trial setting request(s) and the supporting materials to be submitted with  
16 the anticipated Preference motion(s) including any medical records and /or declarations that will  
17 be submitted. Plaintiffs and Defendants shall meet and confer within 7 days regarding the briefing  
18 and potential deposition schedule for each request for preferential trial setting. Any unresolved  
19 disputes amongst the parties regarding preferential trial settings will be decided by the Court upon  
20 the filing and hearing of a Motion for Preferential Trial Setting pursuant to C.C.P. § 36.

21 9. Counsel for the plaintiff bringing the preference motion shall be in compliance with  
22 the CMOs of this Court.

23 10. After the procedure followed in this Preference Protocol is completed, any attorney  
24 representing a Plaintiff in this case may proceed with the filing of a motion for preference under  
25 California Code of Civil Procedure section 36 if that attorney believes it is appropriate to do so  
26

27 **IT IS SO ORDERED.**  
28